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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

UNITED STATES OF AMERICA,)	
)	2:02-cr-00078-LRH-PAL
)	
Plaintiff,)	<u>ORDER</u>
)	
vs.)	
)	
RICHARD J. VELUZ,)	
)	
Defendant.)	
_____)	

Before the court is Defendant Richard Veluz' Motion in Support of Review and Correction of Sentence Pursuant to 18 U.S.C § 3582(c)(2) and *U.S. v. Booker* and *U.S. v. Ameline* (doc. #18) filed January 11, 2006. Having read and considered Defendant's motion, and the Government's Response thereto (doc. #19), filed January 30, 2006, the court finds that Defendant's motion must be denied.

First, the relief requested by Defendant Veluz is not available under 18 U.S.C. § 3582(c)(2) because Defendant's motion is not based upon the lowering of applicable sentencing guidelines by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(c). Second, to the extent Defendant motion seeks relief under *United States v. Booker*, 543 U.S. 220 (2005) or *United States v. Ameline*, 409 F.3d 1073 (9th Circ. 2005), Defendant's motion is untimely.

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1 IT IS THEREFORE ORDERED that Defendant Richard Veluz' Motion in Support of
2 Review and Correction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and *U.S. v. Booker* and *U.S.*
3 *v. Ameline* (doc. #18) is DENIED.

4
5 IT IS SO ORDERED.

6 DATED this 30th day of May, 2013.



7
8 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE